

REMARKS

The Office Action dated July 14, 2004 has been thoroughly reviewed and the claims hereby amended in order to place the same into condition for the receipt of a Notice of Allowance. Reconsideration and allowance of the application are respectfully requested on the basis of the amendments and remarks made herein.

The Claims

Claims 1-3 are being prosecuted in the present application.

Claims 1 and 2 have been cancelled without prejudice, by way of the present amendment.

Claim 3 has been hereby amended to recite, *inter alia*, making the plural lines of slits “by a round blade which has a circular-arc portion and a notch,” and cutting off the noodle dough at positions between the adjacent lines of slits “by a noodle cutter which is apart from the round blade.”

The Present Invention

The present invention is directed towards noodles having slits which are easily caught by forks or chopsticks making the noodles easy to eat and, a method of making such noodles. The noodles have a plurality of slits or incisions cut along the longitudinal direction of the noodle and arranged in a single line. The slits tend to open upon the noodles being cooked (*e.g.*, boiled). In addition to being easy to eat, the slits facilitate improved heat transfer in order that the noodles are cooked uniformly and quickly over their entire length.

In accordance with the refined recital of amended claim 3, the sole remaining claim, the method for producing the aforementioned noodles includes, *inter alia*, the steps of: flattening noodle dough to a sheet-like shaped with spreading rollers; forming slits in the flattened noodle dough so as to make plural lines of slits ***by a round blade which has a circular-arc portion and a notch*** (see Applicant’s disclosure paragraph [0010]; Figure 2) wherein the slits are formed along the transfer direction of the noodle dough, the lines being spaced at even intervals in the transverse direction and the slits of each line being spaced at even intervals in the transfer direction; and cutting off the noodle dough at positions between the adjacent lines of the slits by ***a noodle cutter which is apart from the round blade***, in the transfer direction of the dough (see Applicant’s disclosure paragraph [0010]; Figure 2).

Claim Rejections

Rejection of Claim 1 Under 35 U.S.C. § 102(b)

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ueki (JP 60-126,044).

Applicant has hereby canceled Claim 1, thus rendering the foregoing rejection moot.

Rejection of Claim 2 Under 35 U.S.C. § 103(a)

The Examiner rejects claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Ueki (JP 60-126,044).

Applicant has hereby canceled Claim 2, thus rendering the foregoing rejection moot.

Rejection of Claim 3 Under 35 U.S.C. § 103(a)

The Examiner rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Ueki (JP 60-126,044) in view of U.S. Patent No. 5,759,608 (Moriyama) and U.S. Patent No. 4,675,199 (Hsu).

Specifically, the Examiner states that Ueki discloses “providing slitted noodles, wherein the dough would be flattened to a sheet-like shape (see Figures 1 and 4), slits are formed and the noodles are cut to a desired length.” He then states that Moriyama and Hsu teach employing rollers to sheet noodle dough and cutting the sheet into noodle strips, and Hsu further teaches cutting the strips into noodle pieces and, therefore, it would have been obvious to modify Ueki to employ rollers as taught by Moriyama and Hsu.

Claim 3, as hereby amended, overcomes this rejection. First, as shown in Figure 2 of the present application, the slits in the noodle of the claimed invention are formed by a round blade 52 (see also Applicants’ disclosure at page 8, lines 5-8, describing two slits 2 and two connecting portions 3 formed per turn of the round blade 52). None of Ueki, Moriyama or Hsu individually, or in any combination, teach or suggest a round blade 52 (Figure 2) or a circular-arc portion 52a (Figure 2) and notch 52b (Figure 2) thereof, as claimed in the refined recital of amended independent Claim 3.

Second, the Ueki patent, entitled “Structure of a Noodle,” neither teaches nor suggests any method of making a slitted noodle. Therefore, in the absence of an improper application of hindsight having had the benefit of viewing the claimed invention, it would be unreasonable to surmise that it would have been

obvious to one of ordinary skill in the art at the time of the invention to provide slits in noodles using a round blade separate from the noodle cutter, as claimed in the refined recital of amended claim 3. Moreover, as both the Hsu and the Momiyama references, at best, merely suggest use of rollers to sheet noodle dough and a cutter to cut the dough into strips (*e.g.*, noodles), neither of the references, alone or in any combination, add anything to the Ueki reference to render claim 3, as amended, unpatentable.

Reconsideration and allowance of claim 3 are requested.

Miscellaneous

The prior art made of record but not relied upon but considered pertinent to Applicant's disclosure has been carefully reviewed, but was not considered as relevant as the art that was applied.

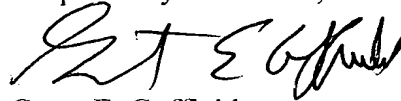
SUMMARY AND CONCLUSION

Claims 1 and 2 have been canceled without prejudice.

It is submitted that the amendments made to independent claim 3, to include the recitals of, *inter alia*, making the plural lines of slits "by a round blade which has a circular-arc portion and a notch," and cutting off the noodle dough at positions between the adjacent lines of slits "by a noodle cutter which is apart from the round blade," overcome the 35 U.S.C. 103(a) rejection of the Examiner.

In summary, Applicant respectfully submits that claim 3 is patentable over the references of record for the reasons stated hereinbefore and that the application is now in proper form for issuance of a Notice of Allowance. Reconsideration and early allowance are requested.

Respectfully submitted,



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